

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

KGRNBLUTH et al.

Serial No. 09/924,102

Filed: August 8, 2001

For: REAPER PROTEIN

Attention: Application Branch

Atty. Dkt. 1579-470

Date: November 20, 2001

Assistant Commissioner for Patents
Washington, D.C. 20231

The attached completes filing of the above-identified patent application:

- ☒ Signed Rule 63 Declaration alone, ☐ Copy of Declaration from prior application alone, OR
☐ Signed Declaration plus attached copy of originally filed specification/drawings.
☒ **NOTICE TO FILE MISSING PARTS OF APPLICATION FILING DATE GRANTED** form.
☒ Record the attached assignment and return to the undersigned.
☐ Attached is a Power of Attorney.
☐ Priority is hereby claimed under 35 U.S.C. § 119 based on the following foreign applications:
- | Application Number | Country | Day/Month/Year Filed |
|--------------------|---------|----------------------|
|--------------------|---------|----------------------|

respectively.

- ☐ Certified copy(ies) of foreign application(s) is/are attached.
☐ Certified copy(ies) filed on _____ in prior application no. _____, filed _____.
☐ Applicant claims "small entity" status. ☐ "Small entity" statement attached.
☐ Please enter the attached and/or below preliminary amendment prior to calculation of filing fee.
☐ Also attached: ☐ Information Disclosure Statement; ☐ Nucleotide and/or Amino Acid
 Sequence Submission; ☐ Other:

Fees due are calculated below:

Basic filing fee					\$	740.00
Total Effective claims	45	- 20 =	25	x \$	18.00	\$ 450.00
Independent claims	8	- 3 =	5	x \$	84.00	\$ 420.00
If any proper multiple dependent claims now added for first time, add \$280.00 (ignore improper)						\$ 280.00
FILING FEE						\$ 1,890.00
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$400.00/2 months; \$920.00/3 months; \$1440.00/4 months)						\$ 0.00
Surcharge (\$130.00) if Declaration or filing fee first now submitted						\$ 130.00
English translation of specification and claims (\$130.00)						\$ 0.00
FIRST SUBTOTAL						\$ 2,020.00
If "small entity," enter half (½) of subtotal and subtract						-\$ 0.00
SECOND SUBTOTAL						\$ 2,020.00
Assignment Recording Fee (\$40.00)						\$ 40.00
TOTAL FEE DUE						\$ 2,060.00
Check enclosed (Pre-Bill)*						\$
Check enclosed (non Pre-Bill)*						\$ 2,060.00
TOTAL FEE ENCLOSED						\$ 2060.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension.
 *The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8th Floor
 Arlington, Virginia 22201-4714
 Telephone: (703) 816-4000
 Facsimile: (703) 816-4100
 MJW:tat

NIXON & VANDERHYE P.C.

By Atty: Mary J. Wilson, Reg. No. 32,955

Signature: _____

*For N&V internal accounting purposes

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING APPLICATION UNDER 37 C.F.R. 1.53(b)
WITHOUT FILING FEE AND/OR WITHOUT EXECUTED INVENTOR'S DECLARATION

Assistant Commissioner for Patents
Washington, DC 20231

Atty. Dkt. 1579-470

Date: August 8, 2001

Sir:

This is a request for filing a new PATENT APPLICATION under Rule 53(b) entitled:

REAPER PROTEIN

without a filing fee and/or without an executed inventor's oath/declaration.

This application is made by the below identified inventor(s). Attached hereto are the following papers:

☐ Newly executed Declaration, ☐ Copy of Declaration from prior application, ☒ Abstract

40 pages of specification and claims (including 33 numbered claims), and

4 sheets of accompanying drawing/s.

☐ Record the attached assignment and return to the undersigned.

☐ Attached is a Power of Attorney.

☐ Priority is hereby claimed under 35 U.S.C. § 119 based on the following foreign applications:

Application Number

Country

Day/Month/Year Filed

, respectively, the entire content of which is hereby incorporated by reference in this application..

☐ Certified copy(ies) of foreign application(s) is/are attached.

☐ Certified copy(ies) filed on _____ in prior application no. _____ filed _____

☒ This application claims the benefit of Provisional Application No. 60/223,699, filed August 8, 2000, the entire content of which is hereby incorporated by reference in this application.

☐ Please amend the specification by inserting the following paragraph before the first line: --This application is a ☐ continuation/☐ division/☐ continuation-in-part of Application No. _____, filed _____, the entire content of which is hereby incorporated by reference in this application.--

☐ Petition filed in prior application to extend its life to insure co-pendency.

☒ The prior application is assigned to DUKE UNIVERSITY.

☐ It is hereby requested that the Examiner consider the art cited in the above parent application(s) by applicant and/or the Examiner for the reasons stated therein. A listing of that art is attached, but pursuant to Rule 98(d) copies are not required.

☐ Applicant claims "small entity" status. ☐ "Small entity" statement attached.

☐ Please enter the attached and/or below preliminary amendment prior to calculation of filing fee:

☐ Also attached: ☐ Information Disclosure Statement; ☐ Non-Publication Request; ☐ Nucleotide and/or Amino Acid Sequence Submission; ☐ Statement deleting Inventor(s) named in prior application; ☐ Other:

1. Inventor: Sally A. Kornbluth U.S.A.
(first) MI (last) (citizenship)
Residence: (city) Durham (state/country) North Carolina
Mailing Address: c/o DUKE UNIVERSITY, Office of Science and Technology, 230 North Building, Research Drive,
P.O. Box 90083, Durham, North Carolina
(Zip Code) 27708-0083

2. Inventor: Christopher Holley U.S.A.
(first) MI (last) (citizenship)
Residence: (city) Durham (state/country) North Carolina
Mailing Address: c/o DUKE UNIVERSITY, Office of Science and Technology, 230 North Building, Research Drive,
P.O. Box 90083, Durham, North Carolina
(Zip Code) 27708-0083

☐ See attached sheet(s) for additional inventor(s) information!!

Address all future communications to NIXON & VANDERHYE P.C., 1100 North Glebe Road, 8th Floor, Arlington, VA 22201,

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MJW:tat

NIXON & VANDERHYE P.C.

By Atty: Mary J. Wilson, Reg. No. 32,955

Signature: Mary J. Wilson

11046 U.S. PTO
09/924102
08/08/01



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/924,102	08/08/2001	Sally A. Kornbluth	1579-470

CONFIRMATION NO. 9966

FORMALITIES LETTER



OC000000006583613

NIXON & VANDERHYE P.C.
8th Floor
1100 North Glebe Road
Arlington, VA 22201-4714

Date Mailed: 09/20/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.

Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

- Total additional claim fee(s) for this application is \$1120.

11/21/2001 MBERHE 00000038 09924102

- \$450 for 25 total claims over 20.
- \$400 for 5 independent claims over 3.
- \$270 for multiple dependent claim surcharge.

01 FC:101	740.00 OP
02 FC:105	130.00 OP
03 FC:103	450.00 OP
04 FC:102	420.00 OP
05 FC:104	280.00 OP

- The oath or declaration is missing.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1960.**

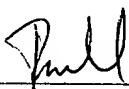
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file

in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE